



# MISSOURI DENTAL BOARD NEWSLETTER

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 **MISSOURI**  
DEPARTMENT OF ECONOMIC DEVELOPMENT

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## LETTER FROM THE PRESIDENT



Oswald Thomas DDS

In recent editions, this column has been reserved for the President to share information about the Board. In keeping with that tradition, I would like to highlight some of the recent actions of the Dental Board.

As we begin moving toward another legislative session, the Board has been working on its legislative agenda for 2001. Several measures have been approved that will control costs and make the Board more efficient administratively and also provide more effective enforcement tools. A summary of the Board's legislative issues is described later in this newsletter.

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## RENEWALS Continued

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Renewing your license is part of your professional responsibility. The Board understands that professionals have a great deal of work to do, and something as clerical as mailing in a renewal may seem unimportant. However, if you fail to renew your license, for whatever reason, the license will expire on December 1st. Practicing without a current and valid license is a class A misdemeanor. If a licensee practices without a current and valid license, the Board may ask a court to enjoin such illegal practice. To avoid penalty fees and possible litigation expenses, please remember to renew your license on time. If you have not received your renewal application, contact the Board office and request a duplicate application. When you call, be sure and ask to what address your renewal application was mailed. If we have an incorrect address, we need to be notified in writing of your current mailing address. Please refer to Board Rule 4 CSR 110-2.175. Licensees are required to inform the Board of any name or address change in writing within thirty (30) days.

During every renewal cycle, the Board's staff will receive numerous telephone calls from licensees who have questions regarding an inactive licensure status. To assist our licensees in understanding the difference between an inactive and a lapsed status, we provide the following information.

**INACTIVE STATUS** - Under Section 332.181.6, RSMo, dentists and dental specialists who are not currently practicing dentistry in Missouri may request an inactive licensure status. An inactive licensure status is not available to dental hygienists. During the time of an inactive licensure status, there are no continuing education hours that must be reported to the Board and there are no fees due. A dentist or dental specialist may remain on an inactive status for three (3) years. If the license is not renewed within three (3) years, it becomes void. After a license becomes void, the licensee must re-apply for a new license in the same manner as an original applicant for licensure. For the inactive licensee who has been continuously licensed in another state for five years immediately preceding his/her application for a new license in Missouri, an application can be made

based upon licensure by credentials. During the three (3) year window for the inactive status, a licensee can renew his or her license by submission of a properly completed renewal application, payment of the reinstatement fee, and proof of having met the continuing education requirements for each time block during the inactive status. The reinstatement fee is the renewal fee for each year the license was inactive. For example, if the license was inactive for the full three years, the current reinstatement fee is \$375 for dental specialists and \$345 for dentists. As you can see, there is no real long-term benefit to the licensee who chooses an inactive status. Upon reinstatement, all back renewal fees must be paid and all the continuing education hours during the time of the inactive status must be reported.

**LAPSED STATUS** - Under Sections 332.181.5 and 332.261.6, RSMo, a license will lapse if a dentist, dental specialist or dental hygienist fails to renew on or before November 30th. The license can be renewed at any time within five (5) years upon payment of the reinstatement fee and proof of having met the continuing education requirements for each time block during the lapsed period. The reinstatement fee for a lapsed license is the renewal fee plus the penalty fee for every year during the lapsed period. For example, if the license has been lapsed for the full five-(5) years, the reinstatement fee for a dentist is \$1,075. The reinstatement fee for a dental specialist would be \$1,125 and for a dental hygienist, the reinstatement fee would be \$800. If the license is not renewed within five (5) years, it becomes void. Once the license becomes void, the licensee must apply for a new license in the same manner as described above under the inactive status. The licensure by credentials section for dental hygienists is found in 332.281, RSMo. To qualify for licensure by credentials, the hygienist must hold a current and valid license in another state for two (2) years immediately preceding his or her application. The lapsed status also affords no long-term benefit for a licensee and the reinstatement fees are much higher than that of an inactive licensee. The only benefit of the lapsed status over the inactive status for dentists and dental specialists is the window of opportunity is longer, five years compared to three years.

## PROPOSED LEGISLATION

The Board has been working on its legislative agenda for the 2001 legislative session. The following legislative issues are under consideration.

- Renewal of licenses every two years instead of yearly. Because renewal is contingent upon successful completion of mandatory continuing education hours every third year, the Board is considering legislation to change the continuing education time block from a three year time period to two years. The number of continuing education hours will not change under this proposal, other than dentists will be required to earn fifty (50) hours every two years instead of seventy-five (75) hours every three years and dental hygienists will be required to earn thirty (30) hours every two years instead of forty-five (45) hours every three years.

The next continuing education time block ends on November 30, 2002. Licensees will be required to report the number of continuing education hours earned for the period of December 1, 1999 through November 30, 2002 with the renewal application that is due on or before November 30, 2002. During this time block, dentists must report seventy-five (75) hours of approved continuing education and dental hygienists must report forty-five (45) hours of approved continuing education. If the Board's proposed legislation is successful, the licensees renewing in 2002 will renew for a two-year period and the new continuing education time block for those licensees will be for the time period of December 1, 2002 through November 30, 2004.

- Elimination of the Missouri Dental Board's specialty examinations. The purpose of eliminating the specialty examination is due to

questions raised in recent years regarding the validity of the examinations. It is the Board's position that if a candidate for a specialty license has successfully completed an accredited dental specialty program, their knowledge and skills have already been thoroughly tested. Additional testing is not necessary and should not be required.

- Authority for expedited hearings before the Administrative Hearing Commission. If the Board concludes that a licensee has committed an act or is engaging in conduct that is grounds for discipline and such conduct constitutes a clear and present danger to the public, the Board can file a complaint with the Administrative Hearing Commission requesting an expedited hearing. The hearing must be conducted within fifteen (15) days and immediately after the hearing, the Administrative Hearing Commission must issue its decision to the Board granting the Board the authority to suspend or restrict the license or dismiss the action.
- Authority for the Board to copy records, including patient records, while inspecting dental facilities. The Board will also have the legal authority to make these records discoverable and admissible into evidence in any investigation, hearing or other proceeding that determines a licensee's or applicant's fitness to practice.
- Authority to grant a person immunity from an action for civil damages if the person, in good faith and without malice, provides information to the Board, or cooperates with the Board, or assists the Board in any manner, in the course of an investigation, hearing or other proceeding conducted by or before the Board.

## PROPOSED LEGISLATION Continued

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- Authority for the Board to refuse to renew a license for any of the same causes the Board has to discipline a license. This proposal would also authorize the Board in any order of revocation to establish a range of time for re-application. The range is from two to seven years following an order of revocation.

If you would like to file comments on any of these legislative proposals, or if you would like to have a copy of the draft proposal, we would appreciate hearing from you.

## RULE CHANGES

On August 30, 1999, two new rules were implemented by the Missouri Dental Board. The definitions rule, 4 CSR 110-2.001, creates definitions for specific terms used throughout all the Board's rules. The following terms are defined in the new rule.

- "Dentist," one who is currently licensed to practice as a dentist in Missouri.
- "Hygienist," one who is currently licensed to practice as a dental hygienist in Missouri.
- "Direct Supervision," a level of supervision in which the dentist has authorized the procedure for a patient of record, remains in the treatment facility while the procedure is performed and evaluates the procedure prior to patient dismissal.
- "Indirect Supervision," a level of supervision in which the dentist has authorized the procedure for a patient of record and remains in the treatment facility while the procedure is performed.

- "General Supervision," a level of supervision in which the dentist has authorized the procedure for a patient of record and which does not require the physical presence of the dentist in the treatment facility during the performance of the procedure. The patient must be informed that the dentist is not in the treatment facility. The authorization shall be written in the patient's record and is valid from the date of the most recent examination for a maximum of twelve (12) months. The authorization is not renewable without an examination of the patient by the dentist.
- "Patient of Record," one for whom the dentist has obtained a relevant history, performed an examination and evaluated the condition to be treated.

Please note that one of the most significant changes with the implementation of this new rule is the definition of general supervision. The new definition lengthens the authorization time in which the dentist must examine a patient of record. Under the old rule, the authorization by the dentist for the dental hygienist to perform specific clinical procedures for the dentist's patient of record could not exceed eight (8) months from the date of the patient's last examination. The new rule extends that time to twelve (12) months.

4 CSR 110-2.130 is the new rule implemented for dental hygienists. The most significant change in the new rule is the new permit authority for local anesthesia, which includes infiltration and block anesthesia.

An amendment to the rule on dental specialists, 4 CSR 110-2.090, is expected to become effective on October 30, 2000. This amendment will allow the Board to accept the written examination of an American Specialty Board as a qualifying examination for certification. Under the current rule, to qualify for certification as a specialist without taking the Board's specialty examination, the applicant must be a diplomate of their American Specialty Board.

## FLOURIDE VARNISHES

At its July meeting, the Board considered the question of whether a dental hygienist is legally allowed to apply a fluoride varnish. It is the position of the Missouri Dental Board that the application of fluoride varnishes is within the scope of practice for an expanded functions dental hygienist under general supervision.

## DISCIPLINARY ACTIONS

The following report on disciplinary actions covers the period February 1, 2000 through September 30, 2000. The Board typically includes several provisions in its orders, which may not be summarized here. Although great care has been taken to ensure accuracy of the information provided hereafter, inadvertent errors may appear, and no entity should initiate an adverse action against a dentist, dental specialist, or dental hygienist based solely on the following information. Rather, the reader should request a copy of the Board's order prior to making any decisions affecting licensees. This listing may not reflect appeals filed after the publication of this newsletter.

**Thomas M. Meyer, D.D.S.**, license number 011360, of St. Louis was issued a renewal license on probation for 180 days for a violation of Section 332.181.4, RSMo.

**Michael F. Cissell, D.D.S.**, license number 011938, of Lake St. Louis was issued a renewal license on probation for 180 days for a violation of Section 332.181.4, RSMo.

**Richard A. Kirchhoefer, D.M.D.**, license number 012583, of O'Fallon was issued a renewal license on probation for 180 days for a violation of Section 332.181.4, RSMo.

**Lawrence S. Davis, D.D.S.**, license number 014989, of Columbia was placed on probation for four and one-half years effective February 9, 2000, for violations of Section 332.321.2 (5), (13) and (19), RSMo.

## WELL BEING COMMITTEE

If you, or any other dental health care provider you may know, are experiencing a drug and/or alcohol problem, the Missouri Dental Board is ready to provide assistance. Under a new law passed in 1999, the Board has the authority to establish an impaired dentist or dental hygienist committee, to be known as the Well Being Committee. The law authorizes the Board to enter into a contractual agreement with a nonprofit corporation or a dental association for the purpose of creating, supporting and maintaining the Well Being Committee. The Board itself will not create the Well Being Committee because it recognizes that addiction is a disease and as such requires the treatment and oversight of physicians and dentists with expertise in the area. As a result, the Board has chosen to contract with a private vendor for these services. Working with Missouri's Office of Administration has resulted in the development of the Request for Proposal (RFP), which was recently sent to interested vendors who may wish to bid on the proposal. The Board expects a contract to be awarded by the Office of Administration by early November.

This is the first program of its kind that will be supported and overseen by the Missouri Dental Board. Its purpose is to protect the public from impaired licensees and return those who are impaired to health and the productive practice of dentistry and dental hygiene. The program is designed to promote the early identification, intervention, treatment and rehabilitation of dentists or dental hygienists that may be impaired by reasons of illness, substance abuse, or as a result of any physical or mental condition. All records and proceedings of the Well Being Committee that pertain or refer to a licensee who may be, or who actually is, impaired are privileged and confidential. The Well Being Committee cannot release information to the Board relative to an impaired licensee unless it is essential to disclose the information to further the intervention, treatment or rehabilitation needs of the impaired licensee, or when the release of such information is authorized in writing by the impaired

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## WELL BEING COMMITTEE Continued

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licensee, or when the Well Being Committee is required to make a report to the Board under the law, or if the information is subject to a court order.

The funding for this program is supported by licensing fees. The total cost of the program is estimated to be at least \$54,000 per year. Although the Board is making every effort to minimize their operational costs and have implemented programs to actually reduce costs in some areas, the overall operational costs have increased steadily in recent years and current revenues can no longer continue to support these costs. As a result, an increase in annual licensing fees is expected.

More information regarding this program will be available after the contract is awarded. In the meantime, the Board would strongly encourage any licensee who feels he/she has a problem and needs help to contact the Well Being Committee of the Missouri Dental Association. The telephone number is (573) 634-3436.

## BOARD HIRES NEW INVESTIGATOR

On August 31, 2000, the Board's eleven year veteran investigator, Mr. Charles D. Sherman, retired from service with the Missouri Dental Board. The Board expresses its appreciation to Mr. Sherman for his dedicated service to the Board and the profession during his eleven years of employment. We sincerely hope that Mr. Sherman enjoys his retirement years and we wish him and his wife Jeanie all the best.



*Brian Barnett*

On October 16, 2000, Mr. Brian Barnett joined the staff of the Missouri Dental Board as a new investigator. Mr. Barnett was previously employed as a sergeant by the Callaway County Sheriff's Department where he supervised the road deputies and served as one of the Department's training officers. However, the focus of Mr. Barnett's position with the Sheriff's Department was investigations. He also is an instructor, specializing in investigations, for basic training courses presented by the Missouri Sheriff's Training Academy. Mr. Barnett teaches classes in interviewing and interrogations, report writing, and investigations. Mr. Barnett can be contacted through the Missouri Dental Board central office at (573) 751-0040.

## A MESSAGE FROM THE DIVISION DIRECTOR



*Randall Singer  
Division Director*

Our new licensing system (PROMO) continues to test our Information Technology folks and IFMC. Slowly but surely, the problematic symptoms of a new system are being identified and addressed.

Reminder: With the new system, PROMO, a license number will be the year of license followed by a 6-digit number. Example: 1999134178. This is a Division-wide numbering system and will allow the Division to capture valuable licensing information on a Division-wide scale including underserved areas of the State that need professionals. Licenses issued prior to September 16, 1999 will still maintain their previous 4 to 6-

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## MEETING DATES

The next meeting of the Missouri Dental Board is scheduled on January 26-27, 2001 at the Capitol Plaza Hotel in Jefferson City, Missouri. The open meeting is scheduled to begin at 8:00 a.m. on Saturday, January 27th. The meeting schedule for the remainder of 2001 is as follows.

April 27-28, 2001  
July 27-28, 2001  
October 26-27, 2001

The April meeting will be held in Jefferson City, the July meeting will be held in Kansas City, and the October meeting will be in St. Louis.

